



*United States Attorney
Eastern District of New York*

HLJ
F.#2012R00578/581

271 Cadman Plaza East
Brooklyn, New York 11201

July 27, 2012

Via Hand Delivery

Bernard Alan Seidler, Esq.
580 Broadway
New York, NY 10012

Re: United States v. Mudrik Mwinyi Majaaliwa
Criminal Docket No. 12-289 (SLT)

Dear Mr. Seidler:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes discovery with respect to the above-referenced case. The government also requests reciprocal discovery.

1. Statements of the Defendant

Enclosed please find one compact disc (CD) with audio recordings of the defendant, Bates numbered MMM - 01. The CD contains conversations in Swahili. In addition, enclosed please find draft transcripts of the recorded conversations, which are being provided in light of receipt of the signed stipulation regarding these draft transcripts, Bates numbered MMM - 02-14.

The government also provides a redacted copy of a report containing the sum and substance of the defendant's post-arrest statements, Bates numbered MMM - 15-16. The government also provides a copy of a DEA Personal History Report, which contains pedigree information supplied by the defendant, Bates numbered MMM - 17-18. The government also provides a copy of a consent to search form, signed by the defendant, Bates numbered MMM - 19.

2. Prior Criminal History

The government is unaware of any criminal history pertaining to the defendant at this time.

3. Documents and Tangible Objects

Enclosed please find copies of documents that were

found in the Pelham Garden hotel room, as well as copies of documents that were seized from the defendant at the time of his arrest, Bates numbered MMM - 26-39.

Enclosed please find a call frequency report, Bates numbered MMM - 20-22, as well as a CD containing toll records, Bates numbered MMM - 23, both pertaining to phone number (206) 372-0099. The government also provides redacted reports pertaining to airline tickets purchased by the defendant, Bates numbered MMM - 24-25. In addition, enclosed please find the phone examination reports associated with the three phones and one SIM card that were recovered from a hotel room at the Pelham Garden Hotel, Bates numbered MMM - 40-185.

The government will, upon the defendant's request, endeavor to make available items recovered from the defendant and the Pelham Garden hotel room on the day of his arrest, including the following:

- one Blue Samsung cell phone
- two Black Nokia cell phones
- one white Nokia cell phone

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling me to arrange a mutually convenient time.

4. Reports of Examinations and Tests

The government will provide you with copies of reports of any other examinations or tests conducted in connection with this case as they come available.

5. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) by notifying you in a timely fashion of any expert the government intends to call at trial and by providing you with the expert's credentials and a summary of the expert's opinion.

At present, the government anticipates calling a chemist to testify concerning the type, weight and purity of the narcotics at issue in this case.

6. Brady Materials

The government is not aware of any exculpatory material regarding the defendant. The government understands and will

comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in the defendant's possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results of reports or physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant's possession, custody, or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid any unnecessary delay, we request that you have copies of these statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony the defendant intends to use under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

If you have any questions or further requests, please do not hesitate to contact me.

Very truly yours,

LORETTA E. LYNCH
United States Attorney
Eastern District of New York

By: /s/
Hilary Ley Jager
Assistant U.S. Attorney
(718) 254-6248

Enclosures

cc: Clerk of Court (w/o enclosures) (ECF)